



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(04-105 (400.146))

In re the Application of: James McSwiggen)
Serial No: 10/783,128) Group Art Unit: 1614
Filed: February 20, 2004) Examiner: TBA
For: RNA Interference Mediated Treatment)
of Polyglutamine (PolyQ) Repeat Expansion)
Diseases Using Short Interfering Nucleic Acid)
(siNA)

Commissioner for Patents
Washington, D.C. 20231-9999

STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir/Madam:

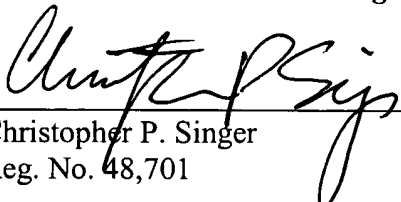
The undersigned representative hereby declares that the content of the substitute electronic copies of the Sequence Listing, submitted in the above-identified application in compliance with 37 C.F.R. § 1.52(e) on Compact Disc-Recordable (CD-R) medium in duplicate (COPY 1 and COPY 2), in lieu of the paper copy under 37 C.F.R. § 1.821(c), and substitute computer readable form copy of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. §§ 1.825(b) and 1.821(e), are identical in content. The substitute sequence listing, submitted herewith, does not extend beyond the scope of the specification, and thus, does not contain new matter. The CD-R labeled "~~Substitute~~ CRF of Sequence Listing submitted under 37 C.F.R. §§ 1.825(b) and 1.821(e)" contains an IBM compatible dos-text file of the sequence listing named "04-105_400.146SeqListing".

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: September 16, 2004

By:


Christopher P. Singer
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